

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

VIOLET SEKATA)	
)	
)	
Plaintiff,)	
)	Case No.: _____
v.)	
)	
FEDEX AKA FEDEX GROUND AKA)	DECLARATION OF
FEDEX GROUND TRANSPORTATION)	CUSTODIAN OF RECORD
AKA FEDEX RISK MANAGEMENT)	FOR CT CORPORATION
)	SYSTEM
Defendant.)	
)	

I, Brian Hickman , declare as follows:

1. I am a custodian of records for C T Corporation System (“C T Corporation”) in Dallas, Texas.

2. As custodian of C T Corporation records, I am authorized to authenticate C T Corporation’s records and to make this declaration on its behalf. I base this declaration upon my review of the records created and maintained by C T Corporation in the ordinary course of business for the purpose of recording, imaging, processing and forwarding documents delivered to C T Corporation in C T Corporation’s role as a registered agent.

3. CT Corporation is the agent for service of process for Federal Express Corporation and FedEx Ground Package System, Inc. in the state of Ohio.

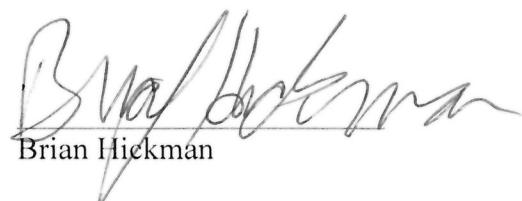
4. C T Corporation’s records show that the Complaint and Summons in this lawsuit was received by C T Corporation, on January 2, 2020. The envelope containing the Complaint and Summons was addressed to FedEx aka FedEx Ground aka FedEx Ground Transporta, 4400 Easton Commons Way, Suite 125, Columbus, OH 43219 and postmarked December 12, 2019.

A copy of the image of the documents created at or about the time the documents were received is attached hereto as Exhibit A.

5. The documents were forwarded to Federal Express Corporation on January 2, 2020 under CT Service of Process Transmittal number 536906001, attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

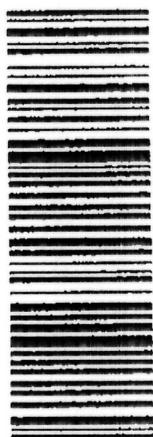
Executed this 29th day of January, 2020.



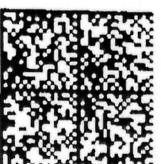
Brian Hickman

Exhibit A

4400 COURTHOUSE BOULEVARD
STOW, OHIO 44224-6833



FIRST-CLASS



ATTNEY BOWES *
US POSTAGE
02 1P \$ 007.10⁰
0002110847 DEC 12 2019
MAILED FROM ZIP CODE 44224

FedEx aka FedEx Ground aka FedEx Ground Transporta
4400 Easton Commons Way
Suite 125
COLUMBUS, OH 43219

STOW MUNICIPAL COURT DISTRICT

CLERK OF COURTS OFFICE

4400 Courthouse Blvd.

Civil Division

Stow, Ohio 44224

(330) 564-4148

Summons

Violet Seketa

Plaintiff(s)

-vs-

FedEx aka FedEx Ground aka FedEx Ground Transporta

Defendant(s)

To the below named defendant(s):

FedEx aka FedEx Ground aka FedEx Ground
Transporta
4400 Easton Commons Way
Suite 125
COLUMBUS, OH 43219

Case Number: 2019CVF04092

FILED
Stow Municipal Court
December 12, 2019
At 10:47 AM
Amber Zibritosky
Clerk of Courts

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are hereby summoned and required to serve upon the plaintiff(s) attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the date of service. Said answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

The name and address of the plaintiff's attorney is:

GREGG D GARFINKEL
DENMAN LERNER & GUNDY CO LPA
8039 BROADMOOR ROAD SUITE 21
MENTOR, OH 44060
(440)-951-6666

If you fail to appear and defend, judgment by default will be rendered against you for the relief demanded in the complaint.

Amber Zibritosky
Clerk of Stow Municipal Court

Date: 12/12/2019

Amber Zibritosky

Deputy Clerk



IN THE STOW MUNICIPAL COURT
SUMMIT COUNTY, OHIO

Stow Municipal Court
Amber Zibritosky, Clerk of Courts
Filed: 12/12/2019 10:37 AM
2019CVF04092

VIOLET SEKATA
1764 Arbutus Drive
Hudson, Ohio 44236

) CASE NUMBER:

))

) JUDGE:

))

Plaintiff,

COMPLAINT

))

vs.

))

FEDEX AKA FEDEX GROUND AKA
FEDEX GROUND TRANSPORTATION
AKA FEDEX RISK MANAGEMENT
C/O Statutory Agent, CT CORPORATION
SYSTEM
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

))

Defendant.

))

))

Now comes Plaintiff, Violet Sekata, by and through her attorney, and for her Complaint, states as follows:

PARTIES AND JURISDICTION

1. At all times material herein, Plaintiff, Violet Sekata, was and is a resident of the City of Hudson, County of Summit and State of Ohio.
2. At all times material herein, Defendant, FedEx aka FedEx Ground aka FedEx Ground Transportation aka FedEx Risk Management C/O CT Corporation System ("FedEx") was and is a corporation doing business in the City of Hudson, County of Summit and State of Ohio.
3. At all times material herein, the incident which is the subject of this Complaint occurred in the City of Hudson, County of Summit and State of Ohio.

COUNT ONE

4. On or about December 12, 2017, Plaintiff, Violet Sekata, received a "grandson scam" phone call advising her that her grandson was in jail and needed bond money.

5. Plaintiff, Violet Sekata was directed to send the "bond money" to Thomas Curlis, 149 Van Buren St., Passaic, New Jersey 07555.

6. On December 12, 2017, Plaintiff, Violet Sekata went to FedEx and shipped \$6,000.00, overnight to Thomas Curlis, 149 Van Buren St., Passaic, New Jersey 07555. (see attached FedEx Tracking information and proof of purchase receipt as Plaintiff's Exhibit "A").

7. A few hours, before FedEx shipped the package, Plaintiff, Violet Sekata, discovered that the phone call was a scam. She immediately contacted the City of Hudson Police Department and FedEx (see attached police report as Plaintiff's Exhibit "B").

8. Both the Plaintiff and the City of Hudson Police Department contacted FedEx to stop shipment of the package immediately.

9. FedEx advised both the Plaintiff and the City of Hudson Police Department that the shipment was still in transit and were able to stop the delivery before it reached the destination and they would redirect the package to the Plaintiff's address.

10. FedEx explicitly assured both the Plaintiff and the City of Hudson Police Department that the package was stopped before delivery and would be returned to the Plaintiff.

11. Both Plaintiff and the City of Hudson Police Department made multiple follow up calls to FedEx to make sure that the package would not be delivered.

12. FedEx never stopped the package as they were directed to and the package was delivered to the New Jersey address to the "grandson scammer".

COUNT TWO – NEGLIGENCE

12. Plaintiff Sekata realleges the preceding paragraphs of this Complaint as if fully restated and incorporated herein.

13. At all times mentioned herein, FedEx was under a duty to act with reasonable care so as not to cause injury or damage to their customers, including Violet Seketa.

14. In breach of FedEx's duty, FedEx's negligent misconduct includes, but is not limited to the facts that FedEx:

- a. Failed to adhere to the orders of the City of Hudson Police Department and Plaintiff, Violet Seketa by stopping the delivery of the package;
- b. Made no effort to stopping the delivery of the package;
- c. In violation of 49 U.S. Code Section 80111, FedEx, after being requested to stop delivery, continued to deliver the package to New Jersey;
- d. In violation of 49 U.S. Code Section 80111, FedEx after having information that the name and address the package was delivered to, Thomas Curlis, 149 Van Buren St., Passaic, New Jersey 07555., was a scam, continued to deliver the package.

15. As a direct and proximate result of the negligence set forth above and the negligence of Defendant, FedEx aka FedEx Ground aka FedEx Ground Transportation aka FedEx Risk Management C/O CT Corporation System, Plaintiff, Violet Seketa, sustained substantial financial loss, to the negligent actions of FedEx.

WHEREFORE, Plaintiff Violet Seketa prays for judgment against Defendant, FedEx aka FedEx Ground aka FedEx Ground Transportation aka FedEx Risk Management C/O CT Corporation System, as follows:

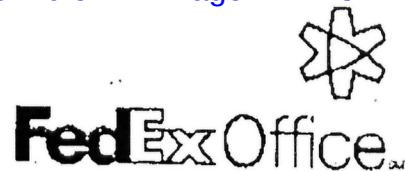
1. In Count One in an amount less than Fifteen Thousand Dollars (\$15,000.00); and

2. attorney's fees and their costs incurred herein.

Respectfully submitted,

DENMAN & LERNER CO., LPA

/s/ Gregg D. Garfinkel
JOHN M. GUNDY (0060148)
GREGG D. GARFINKEL (0077691)
8039 Broadmoor Rd., Ste. 21
Mentor, OH 44060
Phone: (440) 951-6666
Fax: (440) 951-6417
denimanlerner@denmanlernerlaw.com
Attorneys for Plaintiff



ORIGIN ID:CAKKI (330) 655-2689
VIOLET SEKETA
1264 ARBUTUS DR
HUDSON, OH 44236
UNITED STATES US

SHIP DATE: 12DEC17
ACTWGT: 0.80 LB
CRD: 6996780/SSF01822
BILL CREDIT CARD

TO THOMAS CURLIS

149 VAN BUREN ST

PASSAIC NJ 07055

(862) 295-1824
THU
PDT

REF#

DEPT#



TRK# 7888 8874 9372

WED - 13 DEC 10:30A
PRIORITY OVERNIGHT

XA JPJA

07055
NJ-US EWR

chester

Address: 65 S MAIN ST
HUDSON
OH 44236
Location: CAKKI
Device ID: -BTC02
Transaction: 900183666920

FedEx Priority Overnight
788888749372 0.8 lbs. (S) 55.00
Declared Value 0

Shipment subtotal: \$55.00

Total Due: \$55.00

(S) CreditCard: \$55.00
*****2830

H = Height entered manually
S = weight reading on scale
I = Taxable item

Terms and Conditions apply. See
fedex.com/us/service-guide for details.

Visit us at: fedex.com
Or call 1.800.GoFedEx
1.800.463.3339

Dec 12, 2017 12:14:48 PM

***** WE LISTEN *****
Tell us how we're doing
& receive a discount on your next order!
fedex.com/welisten or 800-398-0242
Redemption Code: *EXHIBIT A*

*** Thank you ***





City of Hudson Police Department

City of Hudson
Police Department
36 South Oviatt St.
Hudson, OH 44236
Phone: (330)342-1800
Fax: (330)342-1821

Incident Report

Incident #	20174263	Primary Charge	TFT						
Incident Information									
Call Type	Theft	CFS #	2173460088						
Incident Loc.	1764 ARBUTUS DR.	Zone	SE						
Report Date	12/12/2017	Occurred Between:							
Supervisor	189 Christopher Roch	First Date	12/12/2017						
Unit on Scene	4	Time	10:00						
Reporting	124 Joseph Giacomazza, Jr.	Last Date	12/12/2017						
Assigned	124 Joseph Giacomazza, Jr.	Time	12:14						
Approved By	Christopher Roch	Citation #							
Clearance	J - CLOSED	Jurisdiction							
Dispatch Times									
Received	19:18	Dispatched	19:20	Arrived	19:29	Cleared	20:17	Total	0:58
Incident Charges									
Charge	ORC	Degree	Disposition						
Theft _ deception	2913.02A3	F4							
Case #	Ticket #	Court Date							
Incident Property									
Make	Model	Item	Dispo	Value					
		FED EX OVERNIGHT SHIPPING CHARGE		\$55.00					
OTHER									
Incident Property									
Make	Model	Item	Dispo	Value					
		CASH		\$6,000.00					
ST									
Incident Names									

Incident #	20174263	Primary Charge	TFT
Incident Names			
Entry Type	Person Name	Alias	DOB
VIC	SEKETA VIOLET M		11/30/1936
Addr	1764 ARBUTUS DR	HUDSON OH	44236 Phone1 (330)655-2689
Sex	F	Race W Hgt 5 7 Wgt 190 Hair BRO Eyes BRO	Phone2
Employer	Employer Phone		
Occupation	SMT		
Investigative Report			
<p>On December 12, 2017, at 1919 hours, I responded to 1764 Arbutus Dr. for a report of a theft by deception. The victim was called by an unknown male and told her grandson was in jail and needed bond money to get out. They instructed her to send \$6,000 to an address in New Jersey, which she did. The FedEx package was still in transit and we were able to stop the delivery before it got to its destination. FedEx advised they would redirect the delivery and send it back to the victim.</p>			

Incident # 20174263

Primary Charge TFT

Investigative Report Supplement

Date 12/13/2017

Reporting Officer 106 Kajja Jeantel

Incident # 20174263

Call Type Theft

Wednesday 12-13-17: Victim Violet Seketa and her husband, Emil, came to the station after learning that the FedEx package Violet sent to New Jersey yesterday fell through the cracks and was not returned to sender as promised twice by FedEx to Officer Giacomazza.

Violet had received a "grandson scam" phone call yesterday in which a young man claiming to be her grandson was crying and told her that he was frightened and needed bond money after an OVI traffic crash. He was in jail in Pennsylvania. The bond money - \$6,000 in \$100 bills - was to be sent to a New Jersey address. Violet shipped the money and later learned it was a scam.

Today Violet went to the Hudson FedEx office and learned that, contrary to FedEx's reassurance that the delivery had been cancelled and would be returned, it had reportedly been delivered anyway. Violet added that she spent \$55 to ship it overnight.

Emil Seketa told me that following the initial solicitation, he received another call from the grandson's purported attorney, "Thomas Wilson," who said that a pregnant woman had been involved in the crash and lost her unborn child as a result. The woman would settle for \$15,000 up front, out of court. The Seketa's did not send anything.

Emil gave me three phone numbers which were provided by "Thomas Wilson."

862-295-1824 is a non fixed VoIP number in Passaic NJ through Google / Bandwidth.com.

718-838-9629 is registered in New York, NY through Vail Lab (Sybase).

404-369-3921 is another Google / Bandwidth number in Norcross, GA. ("Wilson" said this was the number of the Reading PA jail where the grandson was held).

Mr. Seketa also wished to know if the FBI should be informed since the matter crossed state lines. I advised him that due to the internet, most crime rings now cross state lines and the FBI investigative threshold is \$100K.

Mrs. Seketa will contact their family attorney concerning any recourse they may have toward FedEx for failing to stop the shipment after having been alerted twice by police to the fraudulent activity.

It is not beyond consideration that the FedEx package was short-stopped internally but recorded as delivered in New Jersey.

I provided Mrs. Seketa with two copies of the report and notified Officer Giacomazza.

Incident #	20174263		Primary Charge	TFT	
Investigative Report Supplement					
Date	12/13/2017	Reporting Officer	124 Joseph Giacomazza, Jr.	Incident #	20174263
Call Type	Theft				
<p>On December 12, 2017, at 1919 hours, I responded to 1764 Arbutus Dr. for a report of a theft by deception. The caller, Violet Seketa, advised that she received a call around 1000 hours from an unknown male informing her that her grandson was in Pennsylvania and was arrested. The male told her that he had been in an accident and was drinking. He said that he was an attorney and was able to get her grandson's bond down to \$6,000. She immediately thought it was her grandson Nicholas and wanted to help. He called her a few times first giving his name as Thomas Curlis and then the second time as Thomas Wilson.</p> <p>Mrs. Seketa said that she agreed to send the bond money. The male told her she needed to send cash only and to place it in a magazine. She was then instructed to send it via FedEx and gave her an address of 149 Van Buren St. Passaic NJ 07055 to send it to. After speaking with the male she put together the money (all \$100 bills) and went to FedEx in Hudson where she sent it. Later on that night, Mrs. Seketa received a call from her daughter and asked her how Nicholas was doing. Her daughter said he was doing fine and was at home. This is when she knew she had been scammed.</p> <p>I checked the FedEx package receipt and noticed the delivery was priority overnight due to be delivered on 12-13-2017 around 1030 hours. This meant the package was in transit and had not been delivered yet. I contacted FedEx and requested they cancel the delivery and send the package back to Mrs. Seketa. The FedEx customer service representative "Chester" informed me that he did cancel the delivery and it would be redirected back to Mrs. Seketa's address. She described the male's voice as young with a foreign accent. I told her I would look into the phone number and address the suspect provided.</p> <p>I contacted the Passaic Police Department regarding the address but they were unable to help me at the time. I attempted to call the phone number that called Mrs. Seketa (862-296-1824) but it was disconnected. Around 2330 hours I checked the tracking information on the website and it was showing to still have a delivery address to New Jersey. As a precaution, I again contacted FedEx and they confirmed the package was cancelled in their system and would be sent back to Mrs. Seketa. -Nothing Follows-</p> <p>Officer J. Giacomazza #124 City Of Hudson, Division of Police</p>					
<i>562-296-1824</i> <i>shaded # 862-295-1824</i>					

Incident #	20174263	Primary Charge	TFT
Investigation Hub Remarks/Comments			
Date	12/13/2017	Reporting Officer	124 Joseph Giacomazza, Jr.
Incident #	20174263	Call Type	Theft
<p>Shortly after, I received a call from investigator Ron Blackmar. He provided the same information that the Tennessee center provided me and also gave his contact information to reach him 24/7. Investigator Blackmar later informed me that they had multiple packages over the years to this address and nothing appeared to be out of the ordinary.</p> <p>I then contacted Passaic Police Department and was able to speak with one of their detectives. He checked the address and informed me the last incident was a fire in early summertime. Given all the information I was provided, it's more likely this address was used as a pickup address and the suspect has no affiliation to it. --Nothing Follows--</p> <p>Officer J. Giacomazza #124 City Of Hudson, Division of Police</p>			

Exhibit B



**Service of Process
Transmittal**

01/02/2020

CT Log Number 536906001

TO: LITIGATION DEPARTMENT
Federal Express Corporation
3620 HACKS CROSS RD, 3RD FLOOR, BUILDING B
MEMPHIS, TN 38125

RE: **Process Served in Ohio**

FOR: FedEx (Cross Ref Name) (Domestic State: DE)
Federal Express Corporation (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: VIOLET SEKATA, PLTF. vs. FEDEX, ETC., DFT.

DOCUMENT(S) SERVED: Summons, Complaint, Attachments

COURT/AGENCY: Summit County - Municipal Court, OH
Case # 2019CVFO4092

NATURE OF ACTION: Plaintiff Violet Sekata prays for judgment against Defendant

ON WHOM PROCESS WAS SERVED: C T Corporation System, Columbus, OH

DATE AND HOUR OF SERVICE: By Certified Mail on 01/02/2020 postmarked on 12/12/2019

JURISDICTION SERVED : Ohio

APPEARANCE OR ANSWER DUE: Within 28 days after service of this summons on you, exclusive of the date of service

ATTORNEY(S) / SENDER(S): GREGG D GARFINKEL
DENMAN LERNER & GUNDY CO LPA
8039 BROADMOOR ROAD SUITE 21
MENTOR, OH 44060
440-951-6666

ACTION ITEMS: CT has retained the current log, Retain Date: 01/02/2020, Expected Purge Date: 01/07/2020

Image SOP

Email Notification, LITIGATION DEPARTMENT lydia.langbein@fedex.com

Email Notification; STACEY STEPHENS stacey.stephens@fedex.com

Email Notification, Denise Armstrong denise.armstrong@fedex.com

Email Notification, CYNTHIA SCHWIND cynthia.schwind@fedex.com

Email Notification, KATHY MILLER khmiller@fedex.com

SIGNED:

ADDRESS: C T Corporation System
1999 Bryan St Ste 900
Dallas, TX 75201-3140

For Questions: 877-564-7529
MajorAccountTeam2@wolterskluwer.com

Page 1 of 1 / PS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

EXHIBIT A